

IN THE UNITED STATES DISTRICT COURTS FOR THE

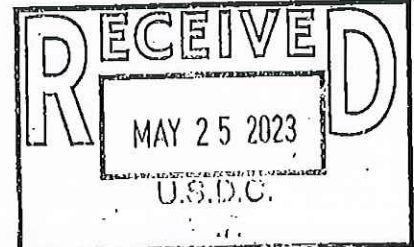
MEMO ENDORSED

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 21 cr 519

vs.

Defendant;



Alexander Hernandez

MOTION TO MODIFY/REDUCE SENTENCE UNDER 18 USC § 3482 (c)(2)
AND UNITED STATES SENTENCING COMMISSIONS 2 LEVEL AMENDMENT

Now Comes, the defendant respectfully requesting that this Honorable court reduce his sentence pursuant to Title 18 USC § 3582(c)(2) and sentencing Commissions 2 level Amendment 782.

Reposed in this Honorable Court is the jurisdiction and authority to modify the defendants term of imprisonment imposed herein pursuant to 18 USC § 3582 (c)(2) which provides: [1] in the case of a defendant who has been sentenced to a term of imprisonment based on a sentence range that has subsequently been lowered by the Sentencing Commission, upon motion of the defendant the court may reduce the term of imprisonment after considering the factors set forth in section 3553 (a), to the extent that they are applicable, if such a reduction is consistent with policy Statement Issued by the United States Sentencing Commission.

Policy Statement 1B1 (one B one) of the Federal Sentencing Guideline Manual Captioned, "Retroactivity of Amended Guideline Range is compatible with said 18 USC § 3582 (c)(2)." The Movant/Defendant qualifies as to as modification of

Sentence and would have qualified if said provisions had been in effect at the time he was sentenced. Under 1B1.10 (c) of the Guideline it is provided that: In determining whether a reduction in sentence is warranted for a defendant eligible for consideration under Title 18 USC (c)(2) the court should consider the sentence that it would have originally imposed had the Guidelines as amended been in effect at the time.

The defendant was sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by United States Sentencing Commission. This motion allows the court to reduce the defendant sentence by 2 levels which are now consistant with the Sentencing Commission Policy Statment.

Relief Sought:

Petitioner, now humbly prays the Honorable Court apply Amendment 782 to his sentence in some fashion, and reduce/modify his sentence. Petitioner/Defendant thanks the Honorable Court for its valuable time apologizes for having to use it and for his past actions.

Application Granted / Denied.
So Ordered.

Cathy Seibel

Cathy Seibel, U.S.D.J.

Dated: 5/30/23

Amendment 782 has been in effect since 2014. Mr. Hernandez was sentenced in 2022 and has already had the benefit of the amendment

Respectfully submitted: 05/18/2023

CERTIFICATE OF SERVICE

I hereby certify that I have this 18 day of May,
2023, placed the Foregoing Motion for reduction of sentence in
the U.S. Mail, addressed to the following:

F.C.I. Fort Dix
P.O. Box 2000
Joint Base MDL, NJ 08640

By Alexander Hernandez

REG# 57100-509

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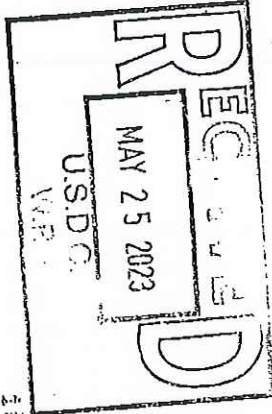
Alexander Hernandez

Ref# 57100-509

Fort Dix F.C.I

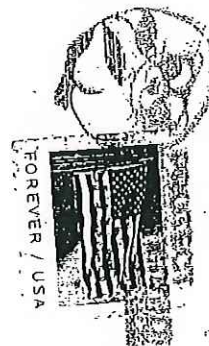
P.O. Box 2000

Joint Base MDL, NJ, 08640



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Charles L. Brient, Jr. United States
Court house

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White Plains, NY. 10601-4150

